



AGENDA BILL APPROVAL FORM

Agenda Subject: Resolution No. 4469		Date: March 24, 2009
Department: Legal	Attachments: Resolution No. 4469	Budget Impact:
Administrative Recommendation: City Council adopt Resolution No. 4469.		
Background Summary: <p>This resolution seeks authorization from the City Council to commence abatement action in connection with a nuisance condition at 2115 Elm Street SE, within the City of Auburn, Washington. The City's Code Enforcement Officers have attempted various other methods of trying to abate the nuisance, which efforts have not been successful. Those efforts included giving the owner a Notice to Correct, citing the owner into court on the violations (resulting in a finding of committed) and other contacts with the owner, none of which have resulted in the nuisance conditions being abated by the owner. Because of concerns expressed by citizens living within the vicinity, and because of the nuisance concerns of people living in the vicinity, it is appropriate that this matter be addressed, and pursuant to City Code, it is requested that authorization be given to City code enforcement and legal officials to have the nuisance abated with costs being imposed as a lien against the property.</p> <p>It is the intent and philosophy of the Code Enforcement Officers to have the owners abate the nuisance whenever possible. When that is not able to be done, there may be no other remedy other than for the City to abate it, imposing a lien, and that appears to be situation in this case.</p> <p>A0420-1 O6.9.1</p>		
Reviewed by Council & Committees: <input type="checkbox"/> Arts Commission <input type="checkbox"/> COUNCIL COMMITTEES: <input type="checkbox"/> Airport <input type="checkbox"/> Finance <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Human Services <input type="checkbox"/> Planning & CD <input type="checkbox"/> Park Board <input type="checkbox"/> Public Works <input type="checkbox"/> Planning Comm. <input type="checkbox"/> Other _____		Reviewed by Departments & Divisions: <input type="checkbox"/> Building <input type="checkbox"/> M&O <input type="checkbox"/> Cemetery <input type="checkbox"/> Mayor <input type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Fire <input type="checkbox"/> Planning <input type="checkbox"/> Legal <input type="checkbox"/> Police <input type="checkbox"/> Public Works <input type="checkbox"/> Human Resources
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing ___/___/___ Referred to _____ Until ___/___/___ Tabled _____ Until ___/___/___		
Councilmember: Norman		Staff: Heid
Meeting Date: April 20, 2009		Item Number: VIII.B.3

RESOLUTION NO. 4 4 6 9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AUTHORIZING THE CITY TO
EXPEND FUNDS TO ABATE THE LITTER, DEBRIS AND
JUNK NUISANCE AT 2115 ELM ST. SE, IN THE CITY OF
AUBURN, WASHINGTON AND AUTHORIZING A LIEN
FOR LABOR AND MATERIALS

WHEREAS, Title 8 of the Auburn City Code provides for an enforcement mechanism for the City to address abatement of nuisances and enforcement of laws against unlawful activity involving junk, litter, debris, and inoperable vehicles; and

WHEREAS, the code provisions empower the City to take corrective action when efforts to have the property owner cure the nuisance problem have been unsuccessful;

WHEREAS, over the last six months, City Code Enforcement staff have taken repeated steps to have the property owner abate the nuisances on her property, including making personal contacts, posting a Notice to Correct Violation, and issuing a Notice of Infraction to the property owner at 2115 Elm St. SE, in the City of Auburn, which efforts have been inadequate to prompt the owner to correct the nuisance conditions at that property; and

WHEREAS, because of the health and safety concerns stemming from the nuisance conditions on the property, as well as the driveway, front yard, side yard and presumably the backyard containing litter, debris, junk, a dilapidated fence and an inoperable vehicle, and because of the failure of the property owner to take action to correct the problems, it is proper that City staff be authorized to take appropriate steps to abate the nuisance conditions on said property and to impose a lien on the property for the costs of such corrective action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
WASHINGTON, HEREBY RESOLVES as follows:

Section 1. FINDING OF NUISANCE. That the City Council finds that the junk, litter, debris, and inoperable vehicle at the property located at 2115 Elm St. SE, Auburn, Washington, constitutes a nuisance warranting corrective action necessary to preserve the public health, safety and welfare, and that the property owner has failed to take corrective action after due notice of the problems and concerns caused by Maria Carnovale (owner) at the property located at 2115 Elm St. SE, Auburn, Washington, and after having been given a reasonable time within which to take such corrective action. A copy of the Notice to Correct, Infraction, and photographs concerning the nuisance is collectively identified as Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. AUTHORIZATION FOR ABATEMENT AND LIEN. That the Mayor or designee is herewith authorized to utilize City resources to correct and abate the nuisance conditions at said property, and to have a lien placed on said property to recover the City's cost of labor and materials.

Section 3. EFFECTIVE DATE. This Resolution shall take effect and be in full force upon passage and signatures.

Dated and Signed this _____ day of _____, 2009.

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

CITY OF AUBURN
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
CIVIL CODE ENFORCEMENT
NOTICE TO CORRECT VIOLATION
Case No. VIO08-0540

Location of violation: 2115 Elm St. SE, Auburn, WA 98092.

Parcel number: 2599000800 Issued to: Carnovale, Maria L.

Address of person(s) the Notice is issued to: 2115 Elm St. SE, Auburn, WA 98092.

Description of violation: 1. Outdoor storage of inoperable vehicles. 2. Parking a vehicle on unimproved surface in front yard set-back. 3. Property is littered. 4. Outdoor storage of miscellaneous junk and debris. 5. Roof gutter is full of debris and is falling off the house.

Auburn City Code, Ordinance, Standard, Regulation, Procedure, Condition or Permit violated: (A.C.C.) Title 8, Chapter 8.12, Section 8.12.020 C, D, E, G & Q. Chapter 8.14, Section 8.14.055. Chapter 8.16, Chapter 8.16.180, Title 18, Chapter 18.52.060 B, and Title 15, Chapter 15.06, Section 15.06.010 K, Ref. I.P.M.C Section 304.7.

Corrective action required: 1. All inoperable vehicles must be removed or be stored inside a closed building. 2. All vehicles must be parked entirely on an improved surface. 3. You must clean up and remove all litter and debris. 4. All junk, as defined by A.C.C. 8.12.020 Q, must be stored inside a closed building. 5. All debris must be removed from gutters and gutters must be repaired or replaced.

Corrective action must be completed by: September 22, 2008, at 5:00 PM.

You must notify the Codes Compliance Officer (253-804-5094) when the corrections have been accomplished, so a verification inspection can be scheduled.

A Request for reconsideration of this case may be submitted in writing to the Planning and Community Development Department, 25 West Main, Auburn, WA 98001-4998, by or before 5 PM, September 22, 2008.

If corrections are not completed as specified above, a NOTICE OF INFRACTION will be issued and filed with the Auburn Municipal Court each day the violation continues. You will be notified by the Court for further proceedings.

Civil Violations carry a maximum penalty of \$250.00 per day per each violation.

Method and date of service: Mailed 9/12/08 Served _____ Posted 9/12/08

Issuing party: T. Michael Dunbar

Title: Code Compliance Officer

Signature: T. Michael Dunbar

REF: VIO08-0540 (Notice to Correct Violation)

EXHIBIT "A"

1/2/2009

**City of Auburn
Case Activity History
Permit Center**

Page 1

Case Number VIO08-0540
Case Name INOPERABLE VEHICLES
Type INOPERABLE VEHICLES
Subtype MULTIPLE VEHICLES
Status OPEN
Description:

Opened 6/26/2008 MDUN
Closed
Last Action
Follow Up

Site Address	City	State	Zip	Site APN
2115 ELM ST SE	AUBURN	WA	98002	2599000800
Owner	CARNOVALE MARIA L	Resident	CARNOVALE MARIA L	
Address	2115 ELM ST SE AUBURN WA 98092			

Action Date	Action Type	Action By	Action Description
1/2/2009	INFRACTION ISSUED	Mike Dunbar	(1/2/2009 14:39 MDUN) Action Created (1/2/2009 14:39 MDUN) Carnovale failed to correct violation and all attempts to contact her have been unsuccessful. A Notice of Infraction was issued this date and forwarded to the City Attorney's Office for processing and filing with the court
9/12/2008	NOTICE TO CORRECT	Mike Dunbar	(9/11/2008 15:51 MDUN) Action Created (9/12/2008 09:51 MDUN) Notice to Correct Violation was sent to the property owner by regular and certified mail, and posted on the property. (10/31/2008 09:52 MDUN) The property owner, Maria L. Carnovale failed to correct the violation, but vacated the house. I have been unable to locate her. I obtained a phone number for Kathy Carnovale for the same address and attempted to contact her by phone, but reached voice mail. I left a message requestin that she contact me regarding contact information for Maria Carnovale.
6/25/2008	CASE OPENED	Mike Dunbar	(6/26/2008 10:32 MDUN) Action Created (6/26/2008 10:44 MDUN) Mr. Cottrell reported several apparently inoperable cars and a trailer parked in the front yard at this site. I responded to the site and observed litter, debris, inoperable vehicles and a large amount of junk in the front yard and driveway. I contacted an adult female resident and explained the violations. She agreed to bring the property into compliance with City codes.

CODE_ENFORCEMENT_ACTIVITIES

Case#: VIO08-0540

Report By: Mike Dunbar

Assigned Officer: MIKE DUNBAR



INFRACTION ☐ **TRAFFIC** ☒ **NON-TRAFFIC** **IN** **084301**

IN THE ☐ **DISTRICT** ☒ **MUNICIPAL COURT OF AUBURN**, WASHINGTON
☐ **STATE OF WASHINGTON**, PLAINTIFF VS. NAMED DEFENDANT
☐ **COUNTY OF KING**
☒ **CITY/TOWN OF AUBURN**

L.E.A. ORI #: WA0170100

COURT ORI #: WA017021J

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON									
DRIVER'S LICENSE NO.		CARNOM L192DP		STATE	WA		EXPIRES	PHOTO I.D. MATCHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NAME: LAST		CARNOVALE, MARIA		MIDDLE		L.		CDL <input type="checkbox"/> YES <input type="checkbox"/> NO	
ADDRESS		2115 ELM ST. SE		CITY		AUBURN WA		ZIP CODE 98092	
DATE OF BIRTH		03/17/81		RACE	URM F		HEIGHT	5-08	
RESIDENTIAL PHONE NO.				CELL/PAGER NO.			WORK PHONE NO.		
VIOLATION DATE		12/24/08 TO 1/2/09		MONTH	DAY		YEAR	TIME	INTERPRETER NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO
ON OR ABOUT				CITY/COUNTY OF		AUBURN / KING		PIERCE	
AT LOCATION		2115 ELM ST. SE		M.P.					

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND									
VEHICLE LICENSE NO.	STATE	EXPIRES	VEH. YR.	MAKE	MODEL	STYLE	COLOR		
TRAILER #1 LICENSE NO.	STATE	EXPIRES	TR. YR.	TRAILER #2 LICENSE NO.	STATE	EXPIRES	TR. YR.		
OWNER/COMPANY IF OTHER THAN DRIVER									
ADDRESS		CITY		STATE		ZIP CODE			
ACCIDENT	COMMERCIAL	<input type="checkbox"/> YES	HAZMAT	<input type="checkbox"/> YES	EXEMPT	<input type="checkbox"/> FARM	<input type="checkbox"/> FIRE		
NO	NR	R	I	F	VEHICLE	<input type="checkbox"/> NO	NO	VEHICLE	<input type="checkbox"/> R.V. <input type="checkbox"/> OTHER

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES									
#1 VIOLATION/STATUTE CODE		A.C.C. 8.12.020 C, D, E, G		VEHICLE SPEED		IN A		ZONE	
#2 VIOLATION/STATUTE CODE		A.C.C. 8.14.055		PENALTY		U.S. \$ 5,000.00			
#3 VIOLATION/STATUTE CODE				DATE ISSUED		1/2/09			
FAILURE TO REMOVE LITTER, TRASH, JUNK AND DEBRIS.				RELATED #		VID 08B-0540			
FAILURE TO REMOVE INOPERABLE MOTOR HOME, WA LICENSE NUMBER BZG740				OFFICER		T.M. Drenth		8562	
				OFFICER		William Stankovic - Assoc. City Atty		30486	
<input type="checkbox"/> Served on Violator				<input type="checkbox"/> Sent to Court for Mailing					
<input checked="" type="checkbox"/> Referred to Prosecutor									

INFRACTION						
INF	RESPONSE	DISPOSITION	PENALTY	SUSPENDED	SUB-TOTAL	FIND/JDGT DATE
1	C NC	C NC D P DF	\$	\$	\$	ABSTRACT MLD TO OLYMPIA
2	C NC	C NC D P DF	\$	\$	\$	
3	C NC	C NC D P DF	\$	\$	\$	
TOTAL COSTS \$						

WASHINGTON UNIFORM COURT DOCKET - COURT COPY
 WASHINGTON UNIFORM COURT DOCKET - DOL COPY
 WASHINGTON UNIFORM COURT DOCKET - DEFENDANT COPY

May 2007
 May 2007
 May 2007

IN 084301

OFFICER REPORT

**"Attached and Incorporated by
Reference, Auburn Code
Enforcement Case number
V1008 - 0540"**

07:40:51 Fri Mar 20, 2009

D0031I End of Docket

DD1000PI

03/20/09 07:40:46

DD1000MI Case Docket Inquiry (CDK)

AUBURN MUNICIPAL

PUB

Case: I00084301 AUP IN Csh:

Pty:

StID:

Name: CARNOVALE, MARIA LEE

NmCd: IN 613 63838

Name: CARNOVALE, MARIA LEE

Cln Sts: A Agent Assigned by System

FAIL TO CONTROL/LITTER ON PROPER OUTDOOR STORAGE/INOPERABLE VEHI

Note:

Case: I00084301 AUP IN Infraction Non-Traffic

S	01 07 2009	Case Filed on 01/07/2009	JMW
S		DEF 1 CARNOVALE, MARIA LEE Added as Participant	JMW
S		OFF 1 DUNBAR, MICHAEL Added as Participant	JMW
S		JIS fee included in the bail amount	JMW
		VIOLATION DATE 12/24/2008 TO 1/2/2009	JMW
		NOI MAILED TO DEF DUE - 2/3/09	JMW
S	02 09 2009	Finding/Judgment of Committed for Charge 1	RMB
S		Finding/Judgment of Committed for Charge 2	RMB
S		Accounts Receivable Created	5,000.00 RMB
S		Case Obligation Selected for Collections	RMB
		MAIL RETURNED UNDELIVERABLE.	LMD
S	02 10 2009	Collections: 1st Notice Prepared	CAG
	02 17 2009	MAIL RETURNED UNDELIVERABLE.	LMD
S	03 16 2009	Case Obligation Assigned to ALLIANCEONE, INC for Collections	SLH





SEP 12 2008



SEP 12 2008







OCT 27 2008



JAN 2 2003

BOOZ 2 1997 JAN 2 2008



6002 2 May

